NEW HAMPSHIRE BOARD OF NURSING MINUTES May 16, 2013

Recorder: Kathryn Dickson, Executive Secretary

TOPIC DISCUSSION ACTION

1.0 Call to Meeting		Meeting called to order at 8:00 a.m. with R. Duhaime, Chair, presiding Board members present: K. Baranowski (KB), C. Smith (CS), B. Fersch (BF), K. Kidder (KK), N. Fortin (NF), T. Collins (TC. Board members absent: J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF) Board staff present: S. Goodness (SG), K. Dickson (KD), L. Tetreault (LT) Board staff absent: D. Nies (DN)
1.1 Open Forum 1.1.1 Support for needle thoracentesis	Representatives requested that Board reconsider March 21 opinion that needle thoracentesis is not within RN scope of practice. Considerations include: Delay of less than minute in needle compression may result in death. Benefits outweigh risks Emergency nurses are taught skill in Trauma Nurse Core Course Physician/provider is not always readily available in 13 critical access hospitals in State In event of mass casualty, providers may be caring for other critical patients and timely decompression of tension pneumothorax is essential	After review of previous ruling, M/KB, S/KK to adopt language of South Carolina Board of Nursing to acknowledge that needle decompression is within role and scope of responsibilities of RN with special education and training in emergent siturations to relieve tension pneumothorax. This procedure should be in accordance with standards of Emergency Nurses Association, American Association of Critical Care Nurses, American Academy of Pediatrics, American Heart Association, National Flight Nurses Association with Air-Medical Crew National Standard Curriculum. Recognizing that this responsibility is considered an additional act of RN and requires special education and training, appropriate written policies, procedures, and standing orders should be developed which specify qualifications, special education and training to include didactic and

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		clinical competency verification components, and emergent conditions/specific patient situations wherein RN is authorized to perform needle decompression for tension pneumothorax.
1.2 Addendum 1.2.1 Additions		 Letters of support for needle thoracentesis J. Simonen - Amended list of witnesses and exhibits M. McCabe Motion for Reconsideration Hearing Counsel's Objection to Motion for Reconsideration Determination of nursing active-in-practice activities LPN/RN competencies (LT) Complaint process memo Letter of Concern process memo
1.2.2 Deletions	None	
1.2.3 Appearances		7.1.1 J. Whitehouse 8:45 a.m. 7.1.2 WMCC 9:15 a.m. 7.1.3 J. Simonen 9:45 a.m. 7.1.4 J. Shevlin 10:15 a.m. 11.3.1 M. Kiessling (via phone) 1:00 p.m. 9.1.1 S. Tetreault 1:05 p.m. 9.1.2 L. Rowe 1:25 p.m. 9.1.3 R. Bernier 1:30 p.m. 9.1.4 A. Letendre 1:35 p.m. 9.1.5 K. Harrington 1:40 p.m. 9.1.6 D. Gagnon 1:45 p.m. 9.1.7 H. Maxham 1:50 p.m. 9.1.8 J. Malczon 1:55 p.m. 8.2.1 E. Keith, ME compact 2:00 p.m. 9.1.9 K. Stickney 2:05 p.m. 9.1.10 S. Cherniawski 2:10 p.m. 9.1.11 K. Methot 2:15 p.m. 9.1.12 M. Patch 2:20 p.m. 9.1.13 B. Stewart 2:25 p.m. 8.1.1 K. Meehan, RN 2:30 p.m. 9.1.15 E. Ramirez 2:40 p.m.

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			9.1.16 T. Busick 2:45 p.m.
	Approval of minutes 2.1 April 18, 2013	Reviewed and discussed.	M/NF, S/TC to approve minutes as written. Unanimous.
4.0	Report of Executive Director/Staff 4.1 Expense Summary Budget	FYI.	
7.0	Adjudicative (Investigator/Prosecutor) 7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions 7.2.1 M. Carabetta, LPN #010530-22	Previously reviewed.	M/NF, S/TC to approve Settlement Agreement as proposed. Unanimous.
15.0	Old Business 15.1 Board authority for Letter of Concern for failure to respond to Board request	Pursuant to Nur 211.03, Board staff is required to request information from licensees who are listed as witnesses in submitted complaint. Total of 3 letters are sent to licensee to request information. Request to Board for permission to send Letter of Concern if no response is received after 3rd letter.	M/BF, S/CS to send Letter of Concern from AG's office if no response after 2nd letter. Unanimous.
	15.2 Board authority for recused Board member to work with LO in recommendation for dismissals.	Board reviewed options to assist in creating more expedient and efficient process to address complaints.	Review with Board attorney for recommendations.
7.0	Adjudicative (Investigator/Prosecutor) 7.1 Hearings 7.1.1 J. Whitehouse, LNA #042709-24	Hearing held in absentia for J. Whitehouse, LNA #042709-24, Docket #13-0403-0365-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 8:47 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), C. Smith (CS), K. Kidder (KK), N. Fortin (NF), T. Collins (TC. BF recused. Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Witnesses present to offer testimony: Stephanie Trombley, RN Olivia Cyr, LNA	BF recused. M/CS, S/KB to affirm Hearing Counsel's Proposed Findings of Facts #1 - #11; affirm Hearing Counsel's Proposed Rulings of Law#1 and #2; deny Proposed Sanctions #2 - #3; affirm Proposed Sanctions #4 - #7; amend Proposed Sanctions #1 to impose 1-year PROBATION and assess monetary penalty of \$250 to be paid within 90 days from effective date of Board's order. Unanimous.

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		Hearing concluded at 9:00 a.m.	
6.0	Report of Investigator/Prosecutor		
	6.1 Open files	Reviewed open files with LO.	
5.0	Attorney General 5.1 Verbiage for Voluntary Surrender	Reviewed and discussed verbiage for voluntary surrender to include following: "I understand that my name shall be placed on the Nursing Assistant Registry, which will prohibit me from working in any federally funded health care institutions in any capacity or occupation."	M/NF, S/KK to approve verbiage. Unanimous.
7.0	Adjudicative (Investigator/Prosecutor)		
	7.1 Hearings 7.1.2 White Mountains Community College	Show Cause Hearing held for White Mountains Community College, Docket #09-0127-0199 pursuant to the Nurse Practice Act, RSA 326-B and the administrative rules, Chapter 100 - 800 proceeded at 9:20 a.m. with K. Baranowski (KB), Vice-Chair presiding. Board members present: R. Duhaime (RD), C. Smith (CS), B. Fersch (BF), K. Kidder (KK), N. Fortin (NF), T. Collins (TC. Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board. Reading of Notice of Hearing waived. Witnesses present to offer testimony: John Colbath, MSN, MBA, RN, Professor of Nursing, White Mountains Community College Frank Clulow, Vice-President, Academic and Corporate Affairs Emily McDonald, Interim Department Chair of Nursing Hearing concluded at 10:06 a.m.	Deliberation postponed until future meeting.
	7.1.3 J. Simonen Suspended RN #067114-21	Hearing held for J. Simonen, suspended RN #067114-21, Docket #13-0422-0367, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:09 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), C. Smith (CS), B. Fersch (BF), K. Kidder (KK), N. Fortin (NF), T. Collins (TC.	M/CS, S/KK to affirm Hearing Counsel's Proposed Findings of Facts #1 - #9; affirm Hearing Counsel's Proposed Rulings of Law#1; deny Proposed Sanctions #2 and #3; amend Proposed Sanctions #1 to impose 2-year PROBATION and assess monetary penalty of \$250 to be paid within 90 days from effective date of Board's order. Unanimous.

follows:

at 12:56 p.m.

Yea: RD. KB. KK. NF. BF. CS. TC

Non-public session began at 12:37 p.m. and concluded

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11.0	Practice Inquiries and Practice Committee		
	Reports		
	11.3.1 RN Scope of Practice:	Mark Kiessling, MPAS, PA, Physician Assistant,	Board consensus to send to P & E Committee for
	Device Reprogramming	Clinical Cardiac Electrophysiology Instructor in	further recommendations.
			Turther recommendations.
	Mark Kiessling, MPAS, PA	Medicine, Geisel School of Medicine at Dartmouth,	
		was available by telephone to clarify his	
		correspondence of March 28, 2013, asking for Board	
		opinion of whether or not device reprogramming is	
		within RN scope of practice.	
9.0	Licensure	The state of the s	
7.0	9.1 Licensure		
		C. Tatasault assessed and testimona in summer of	M/NE C/TC to normal C Total coult to abtain I NA
	9.1.1 S. Tetreault, LNA licensure	S. Tetreault presented oral testimony in support of	M/NF, S/TC to permit S. Tetreault to obtain LNA
		petition to obtain LNA licensure in NH.	licensure in NH.
			Unanimous.
	9.1.2 L. Rowe, LNA licensure	L. Rowe presented oral testimony in support of	M/TC, S/NF to allow L. Rowe to obtain LNA
	2.1.2 E. Rowe, El al fleolisare	petition to obtain LNA licensure in NH.	licensure in NH.
		petition to obtain Elvi needsure in ivii.	Unanimous.
			Onammous.
	9.1.3 R. Bernier, LNA licensure	R. Bernier presented oral testimony in support of	M/NF, S/BF to allow R. Bernier to obtain LNA
	7.1.5 R. Bermer, ENA necessure	petition to obtain LNA licensure in NH.	licensure in NH.
		petition to obtain LNA licensure in Nr.	
			Unanimous.
	9.1.4 A. Letendre, LNA licensure	A. Letendre presented oral testimony in support of	M/NF, S/KK to allow A. Letendre to obtain LNA
	7.1. The Economic, En (1) Incompare	petition to obtain LNA licensure in NH.	licensure in NH.
		petition to obtain ENA necessare in 1911.	Unanimous.
			Chammous.
	9.1.10 S. Cherniawski, RN Examination	S. Cherniawski presented oral testimony in support of	M/NF, S/BF to allow S. Cherniawski to sit for
	7.1.10 S. Chermawski, Kiv Examination	petition to sit for NCLEX-RN.	NCLEX-RN.
		petition to sit for NCLEA-KN.	
			Unanimous.
	9.1.12 M. Patch, LNA licensure	M. Patch presented oral testimony in support of	M/KK, S/NF to allow M. Patch to obtain LNA
	7.1.12 III I mon, Di III nombulo	petition to obtain LNA licensure in NH.	licensure in NH.
		petition to obtain LIVA necessare in IVII.	Unanimous.
			Unanimous.
	9.1.8 J. Malczon, LNA reinstatement	J. Malczon presented oral testimony in support of	M/KB, S/KK to allow J. Malczon to reinstate NH
	2.2.2 UTAMEDON, 22 W TOMORNOM	petition for LNA reinstatement in NH.	LNA license.
		pention for ENT tembutement in 1911.	Yea: KB, KK, CS, TC, RD, BF
			Nay: NF
			Motion carries.
	9.1.5 K. Harrington, LNA licensure	K. Harrington presented oral testimony in support of	M/KK, S/NF to allow K. Harrington to obtain
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	petition to obtain LNA licensure in NH.	LNA licensure in NH. Unanimous.
9.1.13 B. Stewart, LNA licensure	B. Stewart presented oral testimony in support of petition to obtain LNA licensure in NH.	M/KB, S/NF to allow B. Steward to pursue LNA licensure in NH. Unanimous.
9.1.11 K. Methot, LNA licensure	K. Methot presented oral testimony in support of petition to obtain LNA licensure in NH.	M/KB, S/NF to allow K. Methot to obtain LNA licensure in NH. Unanimous.
9.1.15 E. Ramirez, LNA Program	E. Ramirez presented oral testimony in support of petition to take LNA Program in NH.	M/NF, S/TC to allow E. Ramirez to take LNA Program in NH. Unanimous.
9.1.15 T. Busick, LNA Program	T. Busick presented oral testimony in support of petition to take LNA Program in NH.	M/KB, S/NF to allow T. Busick to take LNA Program in NH. Unanimous.
9.1.17 Determination of active-in- practice	Reviewed letter from licensee explaining job description to determine whether or not he can use hours as active-in-practice for nursing.	M/NF, S/KB to affirm that job description meets active-in-practice hours for nursing. Unanimous.
8.0 Adjudicative (Executive Director) 8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions		
8.1.1 K. Meehan, RN #057050-21	K. Meehan presented oral testimony in support of petition for removal of probation and all restrictions and conditions from RN license.	M/KB, S/NF to remove probation and all restrictions and conditions from NH RN license. Unanimous.
8.2 Compact Licensure 8.2.1 E. Keith Maine Compact licensure	E. Keith worked in NH for one year without current RN license after ME RN Compact license expired on January 7, 2012. ME State Board of Nursing reinstated RN Compact license on March 8, 2013. Board reviewed and discussed whether E. Keith's privilege to practice in NH on ME Compact license should be restricted.	M/NF, S/TC to draft Letter of Concern with copy to ME Board of Nursing. Unanimous.

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11.0 Practice Inquiries and Practice Committee		
Reports 11.2 P & E Committee (NF)	NF reported on May 1, 2013 P & E Committee meeting. Reviewed following questions: Is it within RN scope of practice to draw therapeutic phlebotomy from VAD for treatment of hemochromatosis? P & E Committee re-opined that drawing therapeutic phlebotomy is within RN scope of practice. Committee declines to specify type of catheter fro drawing as it should be guided by physician order, policy, procedure, and proof of	M/TC, S/KK to accept P & E Committee recommendations. Unanimous.
	 specialized training and certification by institution. Is it within LPN scope of practice to perform deep suctioning? Questions comes from school nurse who will have agency providing LPN. Another side issue is that school nurse does not feel it is her responsibility to delegate task and that delegation stems from agency supervising RN who assigns this person. P & E Committee opines that it is appropriate practice for LPNs to perform nasopharyngeal and oral pharyngeal suctioning. LPN practice may include tracheal suctioning for purposes of maintaining an open airway. It is NOT appropriate practice for LPNs to provide bronchial tree suctioning. 	M/TC, S/KK to accept P & E Committee recommendations. Unanimous.
11.3 Request for Board Advice: 11.3.2 LPN Scope of Practice: Performing X-Rays	Reviewed question of whether or not it is within LPN scope of practice to perform x-ray in clinical office setting.	Board consensus that performance of X-rays is not within LPN scope of practice.
11.3.3 LNA Scope of Practice: Medication handling	Reviewed and discussed question received to clarify definition of medication handling and medication pickup from pharmacy as excluded activity for LNAs.	Deliberation postponed until June meeting.
11.3.4 Hiring and Orders question	Reviewed question of whether or not RNs or LPNs can implement orders given by licensed midwives.	Board consensus to forward to P & E Committee for recommendations.
11.3.5 LPN/RN Competencies	Reviewed email received from Maxim Healthcare Services asking Board to provide clarification regarding LPN/RN oversight and competencies.	Board made reference to RSA 326-B:13 Scope of Practice, Licensed Practical Nurse stating that LPN's are delegated to by RN – LPN's would not

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			validate RN." LPN's may validate another LPN or LNA.
	Adjudicative 7.3 Motion for Reconsideration/Rehearing/ Continuance 7.3.1 M. McCabe Motion for Reconsideration Hearing Counsel's Objection	Reviewed Matthew McCabe's Motion for Reconsideration.	Deliberation postponed until June meeting.
	Committee Reports and Recommendations 12.1 HeM 1201 12.2 Day of Discussion 12.2.1 RN/LPN Day of Discussion 12.2.2 LNA Day of Discussion	No report. Nothing scheduled at this time. Scheduled for June 11. Registration form available on BON website.	
	12.3 ADA (NF, TC, AF)	No applicants.	
17.0	Adjournment	M/KK, S/CS to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, JK, KK, NF, BL, BF, CS Non-public session began at 4:25 p.m. and concluded at 4:40 p.m. Next regular meeting: June 20, 2013 8:00 a.m. NH Board of Nursing Education Conference Room 100 First Floor 21 South St Concord, NH 03301	Meeting adjourned at 5:00 p.m. Respectfully submitted,
			Denise Nies, MSN, RN, BC Executive Director